

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

James Hunter,)	C/A No.:3:08-CV-446-GRA-JRM
)	
Plaintiff,)	
)	
v.)	ORDER
)	(Written Opinion)
James Ashmore, Chief Magistrate,)	
Spartanburg County,)	
)	
Defendant.)	
_____)	

This matter comes before the Court for review of the magistrate's Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1), and Local Rule 73.02(B)(2)(d), D.S.C., filed on February 15, 2008. Plaintiff originally filed this action on February 8, 2008, pursuant to 42 U.S.C. § 1983. The magistrate recommends dismissing this action without prejudice.

Plaintiff brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *See Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

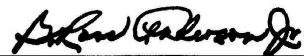
The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final

determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th. Cir. 1983). The plaintiff did not file any objections.

A brief review of the docket sheet reveals that the magistrate's Report and Recommendation and the Court's standard Order for § 1983 actions were returned to the clerk of courts stamped "no longer in Institution" on February 28, 2008. As of the date of this Order, April 8, 2008, the plaintiff has yet to notify the clerk of court of a change of address. Therefore, this Court finds it proper to dismiss this action without prejudice, pursuant to Federal Rule of Civil Procedure 41(b), for lack of prosecution.

IT IS THEREFORE SO ORDERED THAT the plaintiff's complaint be DISMISSED without prejudice for lack of prosecution.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

April 8, 2008
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Plaintiff has the right to appeal this Order within thirty (30) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**